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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,577	09/23/2003	Wu Chou	502042-A-01-US (Chou)	3052
7590 12/24/2008 Ryan, Mason & Lewis, LLP 90 Forest Avenue Locust Valley, NY 11560				
EXAMINER				
NGUYEN, PHUOC H				
ART UNIT		PAPER NUMBER		
2443				
MAIL DATE		DELIVERY MODE		
12/24/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/668,577

Applicant(s)

CHOU ET AL.

Examiner

PHUOC NGUYEN

Art Unit

2443

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1-14 and 16-22.
Claim(s) withdrawn from consideration: 15.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/PHUOC NGUYEN/
Primary Examiner, Art Unit 2443

Continuation of 11, does NOT place the application in condition for allowance because: Re claims 1 and 21-22, The applicant argues in pages 6-7 that the provisional application does not disclose anything about the incorporate of limitation in claim 15 into each individual independent claims 1 and 21-22, particularly the limitation of any push content comprising an embedded URI. The examiner respectfully submits that the incorporated limitation of claim 15, particularly the limitation of any push content comprising an embedded URI, is clearly and logically disclosed in the provisional application Serial No. 60/326,826 wherein these paragraphs (the last paragraph of page 8, first paragraph of page 13, and last paragraph of page 5 to first paragraph of page 6) discloses a web communication/protocol between the server and the mobile device which also include the URI wherein the push content is within the URI of the web communication/protocol between the server and the mobile device. In general, the exactly wording of the claim language of claim 15 might not seen directly in the provisional application, however the same context of the limitations of claim 15 is reasonably and logically seen in the provisional application as clear addressed above. Further, the web application/communication/protocol including XML, HTTP and HTML is known to include the URI with the content.

Re claim 19,
The applicant argues in pages 7-8 for claim 19 that the provisional application does not disclose the limitation of the push content is generated in the form of a SI including a notification message and the URI as cited in the claimed invention.

The examiner respectfully submits that the cited provisional application Serial No. 60/326,826 does indeed disclose the above argued limitation. Re claim 19, the push content is generated in the form of a service indication (SI) including at least one notification message and at least one corresponding URI (e.g. the last paragraph of page 8, first paragraph of page 13, and last paragraph of page 5 to first paragraph of page 6). The above response to claims 1 and 21-22 can also applied to this particular argument wherein a web communication/protocol between the server and the mobile device which also include the URI wherein the push content is nested within the URI of the web communication/protocol between the server and the mobile device and further notification message is just another communication message between the server and mobile device.